EXHIBIT 4

CAFFERTY CLOBES
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State Liaison and Class Counsel

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE APPLE IPHONE/IPOD WARRANTY LITIGATION This Document Relates to: All Actions	Case No. 10-CV-01610 **DECLARATION OF ANTHONY FATA IN RESPONSE TO JEFFREY SCOTT KESSINGER'S OBJECTIONS TO CLASS ACTION SETTLEMENT AND ATTORNEYS' FEES** Date: January 29, 2014 Time: 1:30 p.m. Courtroom: 3 Judge: Hon. Richard Seeborg

I, Anthony F. Fata, declare as follows:

1. I am a partner in the law firm of Cafferty Clobes Meriwether & Sprengel, LLP, which is counsel of record for Plaintiffs Sean Pennington and Meghan White, as well as one of the Court-appointed Class Counsel and the Court-appointed State Plaintiffs' Liaison Counsel in this action. I make the following declaration to the best of my knowledge, recollection and belief. Except where noted, the facts set forth in this declaration are based on first-hand knowledge about which I could and would testify competently in a court if called upon to do so.

2. Attached hereto as **Exhibit 1** is a true and accurate copy of the Detailed Notice printed from the Settlement website (www.applewarrantysettlement.com). Regarding the process for objections, the Detailed Notice states in pertinent part:

> To object, you must send a letter saying that you object to *In re Apple iPhone/iPod Warranty Litigation*, Case No. 10-01610. Be sure to include your name, address, telephone number, signature, and the reasons you object to the settlement. Unless you are a Direct-Payment Settlement Class Member, you must also (1) identify the type of device for which you were denied warranty coverage (*i.e.*, iPhone or iPod touch), (2) identify the approximate date when and the Apple store location where you were denied coverage, and (3) provide the serial number of the device, or the Apple ID for the iTunes account you used with the device.
> Mail your objection and all supporting papers to both the Court and Settlement Administrator postmarked no later than December 4, 2013 … .

Exhibit 1 at p. 7.

3. Attached hereto as **Exhibit 2** is a true and accurate copy of the Claim Form Instructions printed from the Settlement website (www.applewarrantysettlement.com). Regarding eligibility to submit a claim, the Claim Form Instructions state in pertinent part:

> Eligibility. To receive a cash payment from the Settlement Fund, all of the following must apply:
>
> ***
>
> Apple denied warranty coverage for your iPhone on or before December 31, 2009,
> OR
> Apple denied warranty coverage for your iPod touch on or before June 30, 2010;
>
> ***
>
> Apple denied warranty coverage because Apple stated that your iPhone or iPod touch had been damaged by liquid …

Exhibit 2 at p. 1.

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4. Attached hereto as **Exhibit 3** is a true and accurate copy of the Summary of Claim and Apple Data for Michael Casey that Class Counsel received from KCC (the "Summary"). In the Summary, KCC indicates that on October 2, 2013, Casey submitted a claim via the Settlement website for an iPod touch bearing Serial Number 9C822T4U14N, which Apple has indicated was replaced free of charge under warranty in April 2009. *See* Exhibit 3 at p. 1.

5. Attached hereto as **Exhibit 4** is a true and accurate copy of Casey's Objection to Settlement which was printed from the Electronic Case File for this case, Docket No. 112. The front and back of the envelope in which Casey's Objection was mailed to the Clerk are also attached as Docket No. 112-1. The Objection is dated December 4, 2013. *See* Exhibit 4, at Dock. No. 112. p. 1 (the first page of Exhibit 4). The envelope in which it was mailed has a pre-paid postage stamp that was purchased on December 4, 2012 at zip code 92083, which is located in San Diego County, California, although the sender's address is listed as located in Madison, Wisconsin. *See* Exhibit 4 at Dock. No. 112-1 at p. 1. Although the pre-paid postage stamp indicates that the postage was purchased on December 4, 2013, the Clerk's "Filed" stamp indicates that the Objection was filed on December 11, 2013. *See Id*. The U.S. Marshall's "Inspected" stamp indicates that the mailing was inspected on December 11, 2013. *See Id*. at Doc. No. 112-1, p. 2 (the last page of Exhibit 4).

6. Attached hereto as **Exhibit 5** is a true and accurate copy of a subpoena that was issued for Michael Casey on December 17, 2013 (the "Subpoena"). Appended to the Subpoena as "Attachment A" is a document rider setting forth seven document requests.

7. Attached hereto as **Exhibit 6** is a true and accurate copy of a Proof of Service signed by process server, Josh Curry, indicating that he delivered a copy of the Subpoena at 4957 Black Oak Drive, Madison, Wisconsin on December 18, 2013.

8. Attached hereto as **Exhibit 7** is a true and accurate copy of a December 20, 2013 email that the undersigned sent to Casey attempting to schedule Casey's document production and deposition. Casey did not respond to this communication.

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9. Attached hereto as **Exhibit 8** is a true and accurate copy of a December 24, 2013 email that the undersigned sent to Casey attempting to schedule Casey's document production and deposition. Casey did not respond to this communication.

10. Attached hereto as **Exhibit 9** is a true and accurate copy of a December 26, 2013 email that the undersigned sent to Casey regarding a telephone conversation on that day and attempting to schedule Casey's document production and deposition. As noted, during the conversation, Casey indicated that he had not yet retained counsel and that he would produce documents and provide a mutually acceptable date for his deposition. *See Id*.

11. Attached hereto as **Exhibit 10** is a true and accurate copy of a December 30, 2013 email that the undersigned sent to Casey attempting to schedule Casey's document production and deposition.

12. Attached hereto as **Exhibit 11** is a true and accurate copy of an email that the undersigned received from Casey on December 31, 2013. It states: "I have been unable to reach my attorney of choice this week. He will be back in the office on 1/6/14. I will advise after connecting with attorney."

13. Attached hereto as **Exhibit 12** is a true and accurate copy of a January 2, 2014 email that the undersigned sent to Casey attempting to schedule Casey's document production and deposition and attaching a Rule 30 Notice of Deposition. Casey did not respond to this communication.

14. Attached hereto as **Exhibit 13** is a true and accurate copy of a Notice of Deposition that the undersigned emailed to Casey on January 2, 2014 and caused to be served by Certified United States Mail on January 3, 2014.

15. Attached hereto as **Exhibit 14** is a true and accurate copy of a Certified Mail receipt for the Notice of Deposition that was signed by a "Jill Casey" on January 6, 2014.

16. Attached hereto as **Exhibit 15** is a true and accurate copy of a January 6, 2014 email that the undersigned sent to Casey attempting to schedule Casey's document production and deposition and informing him that Plaintiffs would be forced to seek relief from the Court if a

response was not received by the close of business on January 7, 2014. Casey did not respond to this communication.

17. Attached hereto as **Exhibit 16** is a true and accurate copy of an email that Class Counsel Dina Micheletti sent to Casey attaching Plaintiffs' motion to compel Casey's document production and deposition. Casey did not respond to this communication.

18. Attached hereto as **Exhibit 17** is a true and accurate copy of Magistrate Judge Ryu's January 7, 2014 Order (Dock. No. 122) setting the hearing on the aforementioned motion to compel for January 13, 2014 at 2:00 p.m. which was printed from the Electronic Case File in this case.

19. Attached hereto as **Exhibit 18** is a true and accurate copy of the Proof of Service (Dock. No. 125) indicating that the aforementioned Order was served on Michael Casey.

20. Attached hereto as **Exhibit 19** is a true and accurate copy of Michael Casey's response (Dock. No. 129) to the aforementioned Motion to Compel. It states, "This letter was prepared with the assistance of counsel. I am in the process of looking for someone to represent me in Wisconsin and California … ." *See Id*. at 4. It also contains instances where Mr. Casey is referenced in both the first person (as if he wrote the letter) and third person (as if someone else, such as his attorney, wrote the letter). For example: (a) "I have has [*sic*] not filed an appeal in this case, but has merely objected, which does not change his status in the above referenced litigation." *Id*. at p. 3 (underlining added). (b) "These are improper motives for attempting to obtain discovery, and merely constitute *ad hominem* attacks in an attempt to intimidate and cause me to withdraw his objections." *Id*. at p. 4 (underlining added). (c) "Rather than approving Class Counsel's efforts to harass the objector, I respectfully asks the court consider its duty to protect class members' right to object … ." *Id*. (underlining added).

21. Attached hereto as **Exhibit 20** is a true and accurate copy of Magistrate Judge Ryu's January 13, 2014 Order (Dock. No. 126) regarding Plaintiffs' motions to compel with respect to two objectors, including Casey. With respect to Casey, the Order states:

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> Plaintiffs' motion for an order compelling Objector Michael Casey to appear for a deposition and to produce documents is granted. Casey's deposition shall take place by no later than January 20, 2014. The deposition is limited to four hours, exclusive of breaks, and shall take place at the location listed on the subpoena. As Casey has requested that he be served by email, Plaintiffs shall serve Casey by email with this Order by January 14, 2014. As Casey failed to timely object to the subpoena, any objections have been waived. Casey shall produce all responsive documents by no later than 5:00 p.m. on the day before the date scheduled for the deposition.

Ex. 19 at p. 3. Magistrate Judge Ryu subsequently ruled that Casey's response to the motion to compel (Dock. No. 129) was untimely. *See* Dock. No. 30.

22. Attached hereto as **Exhibit 21** is a true and accurate copy of Class Counsel Dina Micheletti's January 13, 2014 email to Casey enclosing a copy of the aforementioned Order (Dock. No. 126) granting the motion to compel Casey's document production and deposition and attempting to schedule the same. Casey did not respond to this communication.

23. Attached hereto as **Exhibit 22** is a true and accurate copy of undersigned counsel's January 14, 2014 email to Casey attempting to schedule the document production and deposition and stating that, absent a response from Casey, undersigned counsel would plan on taking the deposition on Friday, January 17, 2013, the last possible day permitted under Magistrate Judge Ryu's Order (excluding weekend days and Martin Luther King Day), but that Class Counsel would take it on one of those latter days if more convenient to Mr. Casey. Casey did not respond to this communication.

24. Attached hereto as **Exhibit 23** is a true and accurate copy of undersigned counsel's January 15, 2014 email to Casey attaching records that Apple provided concerning Jill Casey's visit to the Apple store on April 1, 2009, and indicating that the visit resulted in Apple providing a free replacement under warranty for a device bearing the same serial number as that for which Casey submitted a claim. The email also reiterates the January 17, 2014 deposition date. Casey did not respond to this communication.

25. Attached hereto as **Exhibit 24** is a true and accurate copy of a "Service Record" produced by Apple in this case. It indicates that, on April 1, 2009, Jill Casey visited the Apple Store located at the West Towne Mall in Madison, Wisconsin, and Apple provided a free replacement ($0.00 charged) for an iPod touch bearing serial number 9C822T4U14N.

26. Attached hereto as **Exhibit 25** is a true and accurate copy of a Duplicate Receipt produced by Apple in this case. It indicates that $0.00 was charged for the replacement device that Jill Casey received on April 1, 2009.

27. Attached hereto as **Exhibit 26** is a true and accurate copy of undersigned counsel's January 16, 2013 email to Casey indicating that his deposition would proceed at Friday January 17, 2014 at 10:00 a.m. at Gramann Reporting, 14 West Mifflin Street, Suite 311, Madison, WI 53703. Casey did not respond to this communication. It also attaches materials received from KCC and Apple indicating that Apple provided a free replacement for the device for which Casey had filed a claim.

28. Attached hereto as **Exhibit 27** are two photographs. The first photograph depicts the sidewalk view of the external office building sign where Gramann Reporting is located, with the fourth line listing Gramann Reporting. The second photograph depicts a hallway sign just inside the building, with the left column indicating Gramann Reporting as being located in Suite 311 of the building. The undersigned took these photographs the morning of January 17, 2014.

29. Attached hereto as **Exhibit 28** is the transcript prepared by the Court Reporter procured for the January 17, 2014 deposition of Casey. As indicated on the record, undersigned counsel and the Court Reporter were present at 10:00 a.m. and waited until 12:30 p.m. for Casey to appear. Undersigned Counsel received no communication from Casey that day. Since January 17, 2014, Casey has not communicated with Class Counsel regarding his deposition.

30. Attached hereto as **Exhibit 29** is a true and accurate copy of excerpted portions (with highlighting added) of an objection filed by attorney Darrel Palmer on behalf of several objectors, including a "Michael Casey," in a case styled *Fogel v. Farmers Group, Inc., et al.*, No. BC 300142 (Sup. Ct. Los Angeles County).

31. Attached hereto as **Exhibit 30** is a true and accurate copy of a Declaration from Timothy O'Neill that undersigned counsel received from Apple's counsel together Exhibit A (Service Record) and Exhibit B (Duplicate Receipt).

32. I am informed by Timothy N. Matthews of Chimicles & Tickellis LLP, one of the Class Counsel in this case, that he created a "dummy" Hotmail email account. Once logged into

that account, he viewed account “options” information and, specifically, information concerning spam “filters and reporting” and printed the pertinent information. Attached hereto as **Exhibit 31** is a true and accurate copy of the “Inbox>Options>Filters and reporting” page that he printed from that account on January 20, 2014 and sent to undersigned counsel.

33. Each of the communications from Class Counsel to Casey requested that Casey provide his attorney’s contact information, or to forward the communication to his attorney, or both to the extent he had retained an attorney. *See e.g.*, Exhibits 7-10, 12, 14, 15-16, 21, 22-23 and 26.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed at Chicago, Illinois on January 24, 2014.

Respectfully Submitted,

Dated: January 24, 2014 /s/ Anthony F. Fata

CERTIFICATE OF SERVICE

I, Anthony F. Fata, an attorney of record in this action, hereby certify that I served a copy of the foregoing ***Declaration of Anthony F. Fata Regarding Casey Objection*** on the following parties by the means indicated below on this 24th day of January, 2014:

Michael Casey (Objector/No Attorney Information on File/Provided)
Michael Casey by email to michael@mickeycasey.com (per request to be served by email)

Counsel for Apple, Inc. (Defendant)
Penny Preovolos by ECF
George Harris by ECF

/s/ Anthony F. Fata
Anthony F. Fata (pro hac vice)
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP
30 N. LaSalle, Suite 3200
Chicago, Illinois 60602
Phone: (312) 782-4880
Fax: (312) 782-4485
Email: afata@caffertyclobes.com

EXHIBIT 3

Claim ID	Filing Method	Device Type	Device Name	CB_1	CB_2	1Year	AppleCare	Deny Date	City Mall	Store State
60012801901	FileOnline	ITOUCH		Y	Y	N	Y	03/2009	Madison West	WI

Serial Number	No Serial Number	Signed	Signed Date	Confirm Address Flag	Signature Date	Signature	Date Created
9C822T4U14N	N	Y	10/02/2013		10/2/2013 4:46:21 PM	MICHAEL CASEY	10/2/2013 4:46:21 PM

CB_1 is the first box in the Confirmations section "Apple denied warranty coverage because Apple stated that my iPhone..."

CB_2 is the second box in the Confirmations section "At the time Apple denied warranty coverage, my iPhone or iPod touch was within the coverage...."

*Columns following "No Serial Number" (e.g., other information provided) have been removed because Mr. Casey provided a serial number.

EXHIBIT 5

AO 88A (Rev. 12/13) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

In Re Apple iPhone/iPod Warranty Litigation *Plaintiff* v. *Defendant*	)	Civil Action No. 10-1610

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Michael Casey

(Name of person to whom this subpoena is directed)

☑ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Gramann Reporting, Ltd., 14 W. Mifflin St. #311, Madison, Wisconsin 53703	Date and Time: 12/30/2013 9:00 am

The deposition will be recorded by this method: stenographic and video

☑ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Documents listed on Attachment A.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 12/17/13

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk | *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs Charlene Gallion, Chris Corsi, Raj Johal, Megan White, and Sean Pennington, who issues or requests this subpoena, are:

Timothy N. Mathews, Esq., Chimicles & Tikellis, LLP, 361 W. Lancaster Ave, Haverford, PA 19041, TNM@chimicles.com, 610-642-8500

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 12/13) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 10-1610

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* ______________________
on *(date)* ______________ .

☐ I served the subpoena by delivering a copy to the named individual as follows: ______________
____
______________________________________ on *(date)* ______________ ; or

☐ I returned the subpoena unexecuted because: ______________________________
____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
$ 45.00 .

My fees are $ ______________ for travel and $ ______________ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: ______________ ______________________________
Server's signature

____
Printed name and title

____
Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

MICHAEL CASEY SUBPOENA ATTACHMENT A

DEFINITIONS

1) "YOU" or "YOUR" means you individually and any and all agents, representatives, contractors, consultants, or any other persons acting or purporting to act on your behalf.

2) "DOCUMENT" shall be synonymous in meaning and usage to the broadest scope of the term used in Rule 34(a) of the Federal Rules of Civil Procedure. The term "DOCUMENT" shall include without limitation all written, phonic, graphic or recorded matter, including without limitation, information stored on computers, disks, tapes (i.e., magnetic or other storage media), electronic mailing lists or automated fax support systems. The term "DOCUMENT" specifically includes electronic mail, text messages, all other forms of electronic correspondence or electronic peer-to-peer messages, and any documents, attachments and files created and/or maintained in electronic form.

3) "CONSIDERATION" means any payment in cash or kind, quid pro quo, promise, or exchange of value, whether monetary or otherwise.

DOCUMENTS TO BE PRODUCED

1) Produce all DOCUMENTS pertaining to all efforts to obtain warranty coverage for the iPod touch device for which YOU filed a claim in this action, including but not limited to all DOCUMENTS that memorialize or constitute any communications with Apple or any other person regarding efforts to obtain warranty coverage for that iPod touch device.

2) Produce all DOCUMENTS sufficient to establish the acquisition (by purchase or any other means) of each iPhone or iPod touch device for which YOU filed a claim in this action.

3) Produce all non-privileged DOCUMENTS supporting YOUR objection to the settlement of this action, including but not limited to, all non-privileged communications and DOCUMENTS related to the settlement, notice and claims process in this action.

4) Produce all DOCUMENTS relating to agreements between YOU and any other person (including but not limited to any other objector or attorney) in relation to this action, including any agreement to compensate YOU for acting as an objector.

5) Produce all retention and engagement agreements between YOU and YOUR attorneys in this action that are related to YOU and YOUR attorney's involvement in this action, including without limitation all agreements pertaining to the sharing of fees between YOU and YOUR attorneys in this action and the sharing of fees among YOUR attorneys in this action.

6) Produce all DOCUMENTS sufficient to establish the relief, if any, YOU obtained for settlement class members as a result of the objections filed by YOU in *Fogel v. Farmers Group, Inc.*, Docket No. B238538 (Cal. Ct. App. Feb. 21, 2012)

7) Produce all DOCUMENTS that pertain to any CONSIDERATION that YOU or YOUR attorneys obtained as a direct or indirect result of YOUR agreement to withdraw the objections filed in in *Fogel v. Farmers Group, Inc.*, Docket No. B238538 (Cal. Ct. App. Feb. 21, 2012).

EXHIBIT 6

AO 88A (Rev. 12/13) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 10-1610

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* Michael Casey
on *(date)* 12/18/13 .

☒ I served the subpoena by delivering a copy to the named individual as follows: Michael Casey at 4957 Black Oak Drive, Madison, WI.
on *(date)* 12/18/13 ; or

☐ I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
$ 45.00 .

My fees are $ ______ for travel and $ ______ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 12-20-13

[signature]
Server's signature

Josh Curry
Printed name and title

212 S. Henry St. #1, Madison, WI 53703
Server's address

Additional information regarding attempted service, etc.:

EXHIBIT 7

Anthony Fata

From:	Anthony Fata
Sent:	Friday, December 20, 2013 5:13 PM
To:	'michael@mickeycasey.com'
Subject:	In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610
Attachments:	2013-12-17 Casey Final Subpoena.pdf; 2013-12-20 Affidavit of Service.pdf

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

I write in connection with your objection to the settlement in the lawsuit titled, *In re: Apple iPhone/iPod Warranty Litigation*, Case No. 10-01610, pending in the Northern District of California. I am one of the attorneys representing the plaintiffs and the Class. Pursuant to your request, I am contacting you at the email address provided in your objection. If you are represented by an attorney in this matter, please have your attorney contact me as soon as possible at either (312) 782-4880 or afata@caffertyclobes.com. Alternatively, please provide me with your attorney's name and telephone number as soon as possible so that I can contact him or her.

Although you indicated in your objection that you intend to find a lawyer to represent you at the fairness hearing, we have not been contacted by an attorney representing you, and we have not been served with any notice that an attorney is representing you. Accordingly, we issued a subpoena to the address listed in your objection. It is my understanding that the subpoena was served on you on December 18, 2013. Copies of the subpoena and the process server's affidavit of service are attached.

I need to schedule the timing of your production of documents, as well as the date and time of your deposition as soon as possible. Your timely response to the document requests attached to the subpoena and your timely appearance at a deposition are necessary for the parties to meet Court deadlines relating to the hearing on the settlement.

If we do not hear from you, we will proceed with the receipt of your documents as well as your deposition at the date and time specified in the subpoena: Monday, December 30, 2013 at 9:00 a.m. at Gramann Reporting Ltd., 14 W. Mifflin St. #311, Madison, WI 53703. We are willing to proceed with the production of documents and the deposition on a date that is more convenient for you, as long as it allows us to meet the Court's deadlines.

Accordingly, please contact me, or have your attorney contact me, as soon as possible. Again, you can reach me at (312) 782-4880 or afata@caffertyclobes.com.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, IL 60602
p 312.782.4880
f 312.782.4485
m 773.562.8669

www.caffertyclobes.com

EXHIBIT 8

Anthony Fata

From: Anthony Fata
Sent: Tuesday, December 24, 2013 1:01 PM
To: michael@mickeycasey.com
Subject: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

If you are represented by counsel, please have them contact me as soon as possible or let me know how to contact them. I am following up on my December 20, 2013 email and in connection with the subpoena requiring your production of documents and appearance at a deposition on Monday, December 30, 2013 in Madison, Wisconsin. As I stated in my prior email, we are willing to proceed with the production of documents and the deposition on a date that is more convenient for you, as long as it allows us to meet the Court's deadlines. Because I have not heard from your counsel or you, I am planning on cutting a family visit short and traveling to Madison on December 30, 2013 for the document production and deposition. The courtesy of a response would be appreciated. But if I do not hear from you, I will plan on seeing you as noticed in the subpoena, at 9:00 a.m. on Monday, December 30, 2013 at Gramann Reporting Ltd., 14 W. Mifflin St. #311, Madison, WI 53703.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, Illinois 60602
Office: (312) 782-4880
Mobile: (773) 562-8669
Email: afata@caffertyclobes.com

From: Anthony Fata
Sent: Friday, December 20, 2013 5:12 PM
To: michael@mickeycasey.com
Subject: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

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Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, IL 60602
p 312.782.4880
f 312.782.4485
m 773.562.8669

www.caffertyclobes.com

EXHIBIT 9

Anthony Fata

From: Anthony Fata
Sent: Thursday, December 26, 2013 3:52 PM
To: michael@mickeycasey.com
Subject: RE: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

I write to confirm our telephone conversation this afternoon. Preliminarily, I called you because I had not received any response to the subpoena or my emails dated December 20 and 24, 2013 regarding your deposition and document production, which was scheduled to take place on December 30, 2013.

I asked you whether you had retained an attorney in connection with this matter. You indicated that you had not yet done so, but that you may be retaining one. If you do retain an attorney, please provide me with the attorney's contact information so that I can communicate directly with him or her.

I asked if you planned on appearing for the document production and deposition in Madison on Monday, December 30, 2013 pursuant to the subpoena. You stated that you would not appear because the date did not work for you, but that you would get back to me regarding alternative dates. I told you that I was planning on driving to Madison for the deposition, but that I did not want to do so if you were not going to be present. You reiterated that you would not be present because the date did not work for you. I then informed you that I would be canceling the court reporting agency for December 30.

You stated that you would look at your calendar and give me some alternative dates for your deposition. I stated that plaintiffs have a brief regarding final approval due on Wednesday, January 8, 2014, and that I would need to take your deposition before that date. You reiterated that you would look at your calendar and provide me with some proposed dates.

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I look forward to hearing from you or, if you retain an attorney, your attorney, regarding dates for your deposition. To allow us both time to schedule, I would ask that you provide me with dates by the end of the day tomorrow, December 27, 2013. Email would be best.

If you have any questions or if you would like to discuss this matter, please do not hesitate to call me on my cell phone at (773) 562-8669 or email me at afata@caffertyclobes.com.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, IL 60602

p 312.782.4880
f 312.782.4485
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To: michael@mickeycasey.com
Subject: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

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Madison, WI 53711
Email: michael@mickeycasey.com

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Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, Illinois 60602
Office: (312) 782-4880
Mobile: (773) 562-8669
Email: afata@caffertyclobes.com

From: Anthony Fata
Sent: Friday, December 20, 2013 5:12 PM

To: michael@mickeycasey.com
Subject: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

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Very Truly Yours,

Anthony F. Fata
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30 N. LaSalle, Suite 3200
Chicago, IL 60602
p 312.782.4880
f 312.782.4485
m 773.562.8669

www.caffertyclobes.com

CCMS

EXHIBIT 10

Anthony Fata

From: Anthony Fata
Sent: Monday, December 30, 2013 8:31 PM
To: michael@mickeycasey.com
Subject: RE: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

I am following up on my attempts to contact you by telephone today. To date, no attorney has contacted me on your behalf. If you have retained an attorney, please provide me with contact information as soon as possible so that I may communicate directly with him or her.

On December 18, 2013, you were served with a subpoena calling for the production of documents and your appearance at a deposition on December 30, 2013. Because I did not hear from you (after two email attempts made pursuant to your request to be contacted by email), I contacted you by telephone last Thursday, December 26. During that telephone conversation, you indicated that you would produce the documents called for by the subpoena and sit for the deposition, but indicated for the first time that you could not and would not do so on December 30, 2013. You did state that you would look at your calendar and provide me with alternative dates over the next several days for your document production and deposition. I asked you to do so promptly so that I can meet Court deadlines in connection with the settlement approval process. I followed up with an email (again, per your request for email communication) asking you to provide the alternative dates. Since that time, however, you have not provided me with alternative dates. Because time is of the essence, I tried to reach you by telephone today and left you a voice message, but still have not heard back from you.

Because I need to plan my schedule and meet Court deadlines, I am forced to select a date for your document production and deposition. As I indicated in my voice message to you today, I will take your deposition and receive your document production pursuant to the subpoena commencing at 9:00 a.m. on Monday, January 6, 2014, at Gramann Reporting Ltd., 14 W. Mifflin St. #311, Madison, WI 53703. As a courtesy, I have picked the farthest date out that will allow you the most time to plan while at the same time allowing me to meet current Court deadlines.

If you have any questions or need directions to the court reporting agency, please do not hesitate to contact me on my mobile phone (773-562-8669) or by email (afata@caffertyclobes.com). And, again, if you have retained an attorney, please provide me with their contact information as soon as possible.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, Illinois 60602
Office: (312) 782-4880
Mobile: (773) 562-8669
Email: afata@caffertyclobes.com

From: Anthony Fata
Sent: Thursday, December 26, 2013 3:52 PM
To: michael@mickeycasey.com
Subject: RE: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

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I look forward to hearing from you or, if you retain an attorney, your attorney, regarding dates for your deposition. To allow us both time to schedule, I would ask that you provide me with dates by the end of the day tomorrow, December 27, 2013. Email would be best.

If you have any questions or if you would like to discuss this matter, please do not hesitate to call me on my cell phone at (773) 562-8669 or email me at afata@caffertyclobes.com.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, IL 60602
p 312.782.4880
f 312.782.4485

m 773.562.8669

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From: Anthony Fata
Sent: Tuesday, December 24, 2013 1:01 PM
To: michael@mickeycasey.com
Subject: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

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Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, Illinois 60602
Office: (312) 782-4880
Mobile: (773) 562-8669
Email: afata@caffertyclobes.com

From: Anthony Fata
Sent: Friday, December 20, 2013 5:12 PM
To: michael@mickeycasey.com
Subject: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

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Chicago, IL 60602
p 312.782.4880
f 312.782.4485
m 773.562.8669

www.caffertyclobes.com

EXHIBIT 11

Anthony Fata

From: Michael Casey [michael@mickeycasey.com]
Sent: Tuesday, December 31, 2013 11:18 AM
To: Anthony Fata
Subject: RE: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

I have been unable to reach my attorney of choice this week. He will be back in the office on 1/6/14. I will advise after connecting with attorney.

Michael (Mick) Casey
4957 Black Oak Drive
Madison WI 53711
michael@mickeycasey.com
(608) 843-6315 cell
www.linkedin.com/in/michaelcaseymadison

From: Anthony Fata [mailto:AFata@CaffertyClobes.com]
Sent: Monday, December 30, 2013 8:31 PM
To: michael@mickeycasey.com
Subject: RE: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

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30 N. LaSalle, Suite 3200
Chicago, Illinois 60602
Office: (312) 782-4880
Mobile: (773) 562-8669
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From: Anthony Fata
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Subject: RE: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

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CC
MS

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Subject: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

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Email: michael@mickeycasey.com

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Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
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Mobile: (773) 562-8669
Email: afata@caffertyclobes.com

From: Anthony Fata
Sent: Friday, December 20, 2013 5:12 PM
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By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

I write in connection with your objection to the settlement in the lawsuit titled, *In re: Apple iPhone/iPod Warranty Litigation*, Case No. 10-01610, pending in the Northern District of California. I am one of the attorneys representing the plaintiffs and the Class. Pursuant to your request, I am contacting you at the email address provided in your objection. If you are represented by an attorney in this matter, please have your attorney contact me as soon as possible at either (312) 782-4880 or afata@caffertyclobes.com. Alternatively, please provide me with your attorney's name and telephone number as soon as possible so that I can contact him or her.

Although you indicated in your objection that you intend to find a lawyer to represent you at the fairness hearing, we have not been contacted by an attorney representing you, and we have not been served with any notice that an attorney is representing you. Accordingly, we issued a subpoena to the address listed in your objection. It is my understanding that the subpoena was served on you on December 18, 2013. Copies of the subpoena and the process server's affidavit of service are attached.

I need to schedule the timing of your production of documents, as well as the date and time of your deposition as soon as possible. Your timely response to the document requests attached to the subpoena and your timely appearance at a deposition are necessary for the parties to meet Court deadlines relating to the hearing on the settlement.

If we do not hear from you, we will proceed with the receipt of your documents as well as your deposition at the date and time specified in the subpoena: Monday, December 30, 2013 at 9:00 a.m. at Gramann Reporting Ltd., 14 W. Mifflin St. #311, Madison, WI 53703. We are willing to proceed with the production of documents and the deposition on a date that is more convenient for you, as long as it allows us to meet the Court's deadlines.

Accordingly, please contact me, or have your attorney contact me, as soon as possible. Again, you can reach me at (312) 782-4880 or afata@caffertyclobes.com.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, IL 60602
p 312.782.4880
f 312.782.4485
m 773.562.8669

www.caffertyclobes.com

EXHIBIT 12

Anthony Fata

From: Anthony Fata
Sent: Thursday, January 02, 2014 11:22 AM
To: 'Michael Casey'
Subject: RE: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610
Attachments: Casey Deposition Notice and COS.pdf

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

Your Objection states: "Please serve me with copies of all future filings via email. Please only communicate with me via email." Accordingly, I am sending you by email a copy of the attached notice for your deposition on January 7, 2014. Your email from earlier today indicates that you will not appear on the previously requested date, but rather that you may be retaining an attorney and that you will contact me after you speak with him or her. I reiterate my request that you provide your attorney's contact information as soon as possible so that I can communicate with him or her to set a mutually agreeable date for your deposition that allows the parties to meet current Court-ordered deadlines. While we have already extended your deposition date once (from December 30), we will agree that the date will be extended. That said, we do not anticipate being able to extend your deposition date beyond January 7 or 8, 2014. For this reason, it is imperative that you have your attorney (if you retain one) contact me or provide me with his or her contact information as soon as possible so that we can schedule your deposition.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, IL 60602
p 312.782.4880
f 312.782.4485
m 773.562.8669

www.caffertyclobes.com

PRIVILEGE AND CONFIDENTIALITY NOTICE

This electronic mail and the information contained herein are intended for the named recipient only. It may contain confidential and/or attorney privileged matter. If you have received this electronic mail in error, please do not read any text other than the text of this Notice and do not open any attachments. Also, please immediately notify the sender by replying to this electronic mail or by collect call to (312) 782-4880. After notifying the sender as described above, please delete this electronic mail message immediately and purge the item from the deleted items folder (or the equivalent) of your electronic mail system. Thank you.

From: Michael Casey [mailto:michael@mickeycasey.com]
Sent: Tuesday, December 31, 2013 11:18 AM
To: Anthony Fata
Subject: RE: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

I have been unable to reach my attorney of choice this week. He will be back in the office on 1/6/14. I will advise after connecting with attorney.

Michael (Mick) Casey
4957 Black Oak Drive
Madison WI 53711
michael@mickeycasey.com
(608) 843-6315 cell
www.linkedin.com/in/michaelcaseymadison

From: Anthony Fata [mailto:AFata@CaffertyClobes.com]
Sent: Monday, December 30, 2013 8:31 PM
To: michael@mickeycasey.com
Subject: RE: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

I am following up on my attempts to contact you by telephone today. To date, no attorney has contacted me on your behalf. If you have retained an attorney, please provide me with contact information as soon as possible so that I may communicate directly with him or her.

On December 18, 2013, you were served with a subpoena calling for the production of documents and your appearance at a deposition on December 30, 2013. Because I did not hear from you (after two email attempts made pursuant to your request to be contacted by email), I contacted you by telephone last Thursday, December 26. During that telephone conversation, you indicated that you would produce the documents called for by the subpoena and sit for the deposition, but indicated for the first time that you could not and would not do so on December 30, 2013. You did state that you would look at your calendar and provide me with alternative dates over the next several days for your document production and deposition. I asked you to do so promptly so that I can meet Court deadlines in connection with the settlement approval process. I followed up with an email (again, per your request for email communication) asking you to provide the alternative dates. Since that time, however, you have not provided me with alternative dates. Because time is of the essence, I tried to reach you by telephone today and left you a voice message, but still have not heard back from you.

Because I need to plan my schedule and meet Court deadlines, I am forced to select a date for your document production and deposition. As I indicated in my voice message to you today, I will take your deposition and receive your document production pursuant to the subpoena commencing at 9:00 a.m. on Monday, January 6, 2014, at Gramann Reporting Ltd., 14 W. Mifflin St. #311, Madison, WI 53703. As a courtesy, I have picked the farthest date out that will allow you the most time to plan while at the same time allowing me to meet current Court deadlines.

If you have any questions or need directions to the court reporting agency, please do not hesitate to contact me on my mobile phone (773-562-8669) or by email (afata@caffertyclobes.com). And, again, if you have retained an attorney, please provide me with their contact information as soon as possible.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, Illinois 60602
Office: (312) 782-4880
Mobile: (773) 562-8669
Email: afata@caffertyclobes.com

From: Anthony Fata
Sent: Thursday, December 26, 2013 3:52 PM
To: michael@mickeycasey.com
Subject: RE: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

I write to confirm our telephone conversation this afternoon. Preliminarily, I called you because I had not received any response to the subpoena or my emails dated December 20 and 24, 2013 regarding your deposition and document production, which was scheduled to take place on December 30, 2013.

I asked you whether you had retained an attorney in connection with this matter. You indicated that you had not yet done so, but that you may be retaining one. If you do retain an attorney, please provide me with the attorney's contact information so that I can communicate directly with him or her.

I asked if you planned on appearing for the document production and deposition in Madison on Monday, December 30, 2013 pursuant to the subpoena. You stated that you would not appear because the date did not work for you, but that you would get back to me regarding alternative dates. I told you that I was planning on driving to Madison for the deposition, but that I did not want to do so if you were not going to be present. You reiterated that you would not be present because the date did not work for you. I then informed you that I would be canceling the court reporting agency for December 30.

You stated that you would look at your calendar and give me some alternative dates for your deposition. I stated that plaintiffs have a brief regarding final approval due on Wednesday, January 8, 2014, and that I would need to take your deposition before that date. You reiterated that you would look at your calendar and provide me with some proposed dates.

I also asked whether you planned on producing the documents called for in the subpoena, and you indicated that you would. We tabled the logistics for when and how you would do so. I did indicate that if I received the documents in advance of your deposition date, it may help the deposition move more quickly.

I look forward to hearing from you or, if you retain an attorney, your attorney, regarding dates for your deposition. To allow us both time to schedule, I would ask that you provide me with dates by the end of the day tomorrow, December 27, 2013. Email would be best.

If you have any questions or if you would like to discuss this matter, please do not hesitate to call me on my cell phone at (773) 562-8669 or email me at afata@caffertyclobes.com.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, IL 60602
p 312.782.4880
f 312.782.4485
m 773.562.8669

www.caffertyclobes.com

PRIVILEGE AND CONFIDENTIALITY NOTICE

This electronic mail and the information contained herein are intended for the named recipient only. It may contain confidential and/or attorney privileged matter. If you have received this electronic mail in error, please do not read any text other than the text of this Notice and do not open any attachments. Also, please immediately notify the sender by replying to this electronic mail or by collect call to (312) 782-4880. After notifying the sender as described above, please delete this electronic mail message immediately and purge the item from the deleted items folder (or the equivalent) of your electronic mail system. Thank you.

From: Anthony Fata
Sent: Tuesday, December 24, 2013 1:01 PM
To: michael@mickeycasey.com
Subject: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

If you are represented by counsel, please have them contact me as soon as possible or let me know how to contact them. I am following up on my December 20, 2013 email and in connection with the subpoena requiring your production of documents and appearance at a deposition on Monday, December 30, 2013 in Madison, Wisconsin. As I stated in my prior email, we are willing to proceed with the production of documents and the deposition on a date that is more convenient for you, as long as it allows us to meet the Court's deadlines. Because I have not heard from your counsel or you, I am planning on cutting a family visit short and traveling to Madison on December 30, 2013 for the document production and deposition. The courtesy of a response would be appreciated. But if I do not hear from you, I will plan on seeing you as noticed in the subpoena, at 9:00 a.m. on Monday, December 30, 2013 at Gramann Reporting Ltd., 14 W. Mifflin St. #311, Madison, WI 53703.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, Illinois 60602
Office: (312) 782-4880
Mobile: (773) 562-8669
Email: afata@caffertyclobes.com

From: Anthony Fata
Sent: Friday, December 20, 2013 5:12 PM
To: michael@mickeycasey.com
Subject: In re: Apple iPhone/iPod Warranty Litigation, Case No. 10-01610

By Email Only
Michael Casey
4957 Black Oak Drive
Madison, WI 53711
Email: michael@mickeycasey.com

Dear Mr. Casey:

I write in connection with your objection to the settlement in the lawsuit titled, *In re: Apple iPhone/iPod Warranty Litigation*, Case No. 10-01610, pending in the Northern District of California. I am one of the attorneys representing the plaintiffs and the Class. Pursuant to your request, I am contacting you at the email address provided in your objection. If you are represented by an attorney in this matter, please have your attorney contact me as soon as possible at either (312) 782-4880 or afata@caffertyclobes.com. Alternatively, please provide me with your attorney's name and telephone number as soon as possible so that I can contact him or her.

Although you indicated in your objection that you intend to find a lawyer to represent you at the fairness hearing, we have not been contacted by an attorney representing you, and we have not been served with any notice that an attorney is representing you. Accordingly, we issued a subpoena to the address listed in your objection. It is my understanding that the subpoena was served on you on December 18, 2013. Copies of the subpoena and the process server's affidavit of service are attached.

I need to schedule the timing of your production of documents, as well as the date and time of your deposition as soon as possible. Your timely response to the document requests attached to the subpoena and your timely appearance at a deposition are necessary for the parties to meet Court deadlines relating to the hearing on the settlement.

If we do not hear from you, we will proceed with the receipt of your documents as well as your deposition at the date and time specified in the subpoena: Monday, December 30, 2013 at 9:00 a.m. at Gramann Reporting Ltd., 14 W. Mifflin St. #311, Madison, WI 53703. We are willing to proceed with the production of documents and the deposition on a date that is more convenient for you, as long as it allows us to meet the Court's deadlines.

Accordingly, please contact me, or have your attorney contact me, as soon as possible. Again, you can reach me at (312) 782-4880 or afata@caffertyclobes.com.

Very Truly Yours,

Anthony F. Fata
Cafferty Clobes Meriwether & Sprengel LLP
30 N. LaSalle, Suite 3200
Chicago, IL 60602
p 312.782.4880
f 312.782.4485
m 773.562.8669

www.caffertyclobes.com

EXHIBIT 13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE APPLE IPHONE/IPOD WARRANTY LITIGATION,

This Document Relates To:

All Actions

No. CV-10-01610

NOTICE OF DEPOSITION OF MICHAEL CASEY

To: By Email (pursuant to Mr. Casey's Request)
Michael Casey
michael@mickeycasey.com

PLEASE TAKE NOTICE THAT, pursuant to Federal Rules of Civil Procedure 30 and the Rule 45 subpoena served upon Michael Casey on December 18, 2013 (the "Subpoena"), a copy of which is attached hereto, Plaintiffs, by and through Class Counsel, will take the deposition of Michael A. Casey commencing at 9:00 a.m. on **Tuesday, January 7, 2014 at Gramann Reporting Ltd., 14 W. Mifflin St. #311, Madison, Wisconsin 53703.** Mr. Casey shall produce the documents called for in Attachment A to the Subpoena prior to or at the commencement of the deposition. The deposition shall be video recorded and recorded by stenographic means.

Respectfully Submitted,

Dated: January 2, 2014

/s/ Anthony F. Fata
Anthony F. Fata (pro hac vice)
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP
30 N. LaSalle, Suite 3200
Chicago, Illinois 60602
Phone: (312) 782-4880
Fax: (312) 782-4485
Email: afata@caffertyclobes.com

CERTIFICATE OF SERVICE

I, Anthony F. Fata, an attorney of record in this action, hereby certify that I caused a copy of the foregoing Notice of Deposition of Michael Casey and the Subpoena referred to therein to be served on the following parties by the means indicated below on this ~~2nd~~ 3rd day of January, 2014:

Michael Casey (Objector/No Attorney Information on File/Provided)
Michael Casey by email to michael@mickeycasey.com and by Certified United States Mail to: Michael Casey 4957 Black Oak Drive Madison, WI 53711

Counsel for Apple, Inc. (Defendant)
Penny Preovolos by email to ppreovolos@mofo.com
George Harris by email to gharris@mofo.com

/s/ Anthony F. Fata
Anthony F. Fata (pro hac vice)
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP
30 N. LaSalle, Suite 3200
Chicago, Illinois 60602
Phone: (312) 782-4880
Fax: (312) 782-4485
Email: afata@caffertyclobes.com

AO 88A (Rev. 12/13) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

In Re Apple iPhone/iPod Warranty Litigation *Plaintiff* v. *Defendant*	Civil Action No. 10-1610

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Michael Casey

(Name of person to whom this subpoena is directed)

☑ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Gramann Reporting, Ltd., 14 W. Mifflin St. #311, Madison, Wisconsin 53703	Date and Time: 12/30/2013 9:00 am

The deposition will be recorded by this method: stenographic and video

☑ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Documents listed on Attachment A.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 12/17/13

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs Charlene Gallion, Chris Corsi, Raj Johal, Megan White, and Sean Pennington, who issues or requests this subpoena, are:

Timothy N. Mathews, Esq., Chimicles & Tikellis, LLP, 361 W. Lancaster Ave, Haverford, PA 19041, TNM@chimicles.com, 610-642-8500

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 12/13) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 10-1610

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* ______________________
on *(date)* ____________ .

☐ I served the subpoena by delivering a copy to the named individual as follows: ______________
____
______________________________ on *(date)* ____________ ; or

☐ I returned the subpoena unexecuted because: ______________________
____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ 45.00 .

My fees are $ __________ for travel and $ __________ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: ____________

____
Server's signature

____
Printed name and title

____
Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
(i) is a party or a party's officer; or
(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:
(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*
(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;
(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
(iv) subjects a person to undue burden.
(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
(i) disclosing a trade secret or other confidential research, development, or commercial information; or
(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.
(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*
(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
(i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.
The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

MICHAEL CASEY SUBPOENA ATTACHMENT A

DEFINITIONS

1) "YOU" or "YOUR" means you individually and any and all agents, representatives, contractors, consultants, or any other persons acting or purporting to act on your behalf.

2) "DOCUMENT" shall be synonymous in meaning and usage to the broadest scope of the term used in Rule 34(a) of the Federal Rules of Civil Procedure. The term "DOCUMENT" shall include without limitation all written, phonic, graphic or recorded matter, including without limitation, information stored on computers, disks, tapes (i.e., magnetic or other storage media), electronic mailing lists or automated fax support systems. The term "DOCUMENT" specifically includes electronic mail, text messages, all other forms of electronic correspondence or electronic peer-to-peer messages, and any documents, attachments and files created and/or maintained in electronic form.

3) "CONSIDERATION" means any payment in cash or kind, quid pro quo, promise, or exchange of value, whether monetary or otherwise.

DOCUMENTS TO BE PRODUCED

1) Produce all DOCUMENTS pertaining to all efforts to obtain warranty coverage for the iPod touch device for which YOU filed a claim in this action, including but not limited to all DOCUMENTS that memorialize or constitute any communications with Apple or any other person regarding efforts to obtain warranty coverage for that iPod touch device.

2) Produce all DOCUMENTS sufficient to establish the acquisition (by purchase or any other means) of each iPhone or iPod touch device for which YOU filed a claim in this action.

3) Produce all non-privileged DOCUMENTS supporting YOUR objection to the settlement of this action, including but not limited to, all non-privileged communications and DOCUMENTS related to the settlement, notice and claims process in this action.

4) Produce all DOCUMENTS relating to agreements between YOU and any other person (including but not limited to any other objector or attorney) in relation to this action, including any agreement to compensate YOU for acting as an objector.

H0031735.2

5) Produce all retention and engagement agreements between YOU and YOUR attorneys in this action that are related to YOU and YOUR attorney's involvement in this action, including without limitation all agreements pertaining to the sharing of fees between YOU and YOUR attorneys in this action and the sharing of fees among YOUR attorneys in this action.

6) Produce all DOCUMENTS sufficient to establish the relief, if any, YOU obtained for settlement class members as a result of the objections filed by YOU in *Fogel v. Farmers Group, Inc.*, Docket No. B238538 (Cal. Ct. App. Feb. 21, 2012)

7) Produce all DOCUMENTS that pertain to any CONSIDERATION that YOU or YOUR attorneys obtained as a direct or indirect result of YOUR agreement to withdraw the objections filed in in *Fogel v. Farmers Group, Inc.*, Docket No. B238538 (Cal. Ct. App. Feb. 21, 2012).

Civil Action No. 10-1610

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* Michael Casey on *(date)* 12/18/13 .

☑ I served the subpoena by delivering a copy to the named individual as follows: Michael Casey at 4957 Black Oak Drive, Madison, WI. on *(date)* 12/18/13 ; or

☐ I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ 45.00 .

My fees are $ ______ for travel and $ ______ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 12-20-13

[signature]
Server's signature

Josh Curry
Printed name and title

212 S. Henry St. #1, Madison, WI 53703
Server's address

Additional information regarding attempted service, etc.:

EXHIBIT 14

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®

OFFICIAL USE

#2183

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

JAN 3 2014

Sent To Michael Casey
Street, Apt. No.; or PO Box No. 4957 Black Oak Drive
City, State, ZIP+4 Madison, WI 53711-4373

PS Form 3800, June 2002 See Reverse for Instructions

7004 2890 0004 2316 9579

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael Casey
4957 Black Oak Drive
Madison, WI 53711-4373

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Jill Casey ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery 1-6-14

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Apple I Phone #2183

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7004 2890 0004 2316 9579

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540